

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|---------------------------|---|--------------------------|
| CLARENCE MACK, |) | CASE NO. 1:04CV829 |
| |) | |
| Petitioner |) | JUDGE SOLOMON OLIVER, JR |
| |) | |
| -vs- |) | |
| |) | |
| MARGARET BRADSHAW, WARDEN |) | <u>ORDER</u> |
| |) | |
| Respondent |) | |

This matter is before the court upon: (1) Respondent Margaret Bradshaw's Motion to Expand the Record (ECF No. 81); (2) the Cuyahoga County Prosecuting Attorney's Request for Permission to Intervene as a Party Pursuant to Fed. R. Civ. Pro. 24(B) (ECF No. 82); and (3) the Cuyahoga County Prosecuting Attorney's Motion to Quash June 8, 2010 Subpoena Duces Tecum Pertaining to Records of Cuyahoga County Court of Common Pleas Case No. CR 337115 (ECF No. 83).

In her Motion to Expand the Record, Respondent requests that the court expand the habeas record to include the Cuyahoga County Prosecutor's Office file for a 1991 criminal case captioned *State v. Timothy Willis*, Cuyahoga County Case No. CR 26677. Respondent's Motion is unopposed and hereby granted.

In its Request for Permission to Intervene, the Cuyahoga County Prosecutor's Office ("CCPO") seeks the court's permission to intervene in the above-captioned matter as a party on behalf of Respondent pursuant to Fed. R. Civ. Pro. 24(B) in order to request that the court quash certain document requests contained in a subpoena issued by Petitioner on June 8, 2010. The

court denies CCPO's Request for Permission to Intervene as unnecessary, and will rule on CCPO's Motion to Quash Subpoena pursuant to Fed. R. Civ. Pro. 45.

With regard to CCPO's Motion to Quash June 8, 2010 Subpoena, the court hereby grants this Motion. In paragraphs 8 through 10 of his June 8, 2010 subpoena to the CCPO, Petitioner seeks the production of documents relating to a 1996 Cuyahoga County criminal case, captioned as *State v. Timothy Willis*, Case No. CR 96-337115. The court finds that Petitioner has failed to demonstrate the relevance of these documents to the issues regarding which this court authorized discovery in its March 31, 2008 Order. Although these documents concern State's witness Timothy Willis, they relate to an indictment which bears no relation to the instant case and was, in fact, filed five years after Petitioner's conviction.

Accordingly, CCPO's Motion to Quash paragraphs 8 through 10 of Petitioner's June 8, 2010 subpoena duces tecum is hereby granted.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.

CHIEF JUDGE

UNITED STATES DISTRICT COURT

September 16, 2011